



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

950 ANTICIPATORY BAIL APPLICATION NO. 1384 OF 2024

1. Govind Kalyan Randhe
2. Dinkar Tulshiram @ Tuljiram Randhe ...Applicants

Versus

1. The State of Maharashtra
2. The Superintendent of Police, Beed
3. XYZ ...Respondents

Advocate for Applicant : Mr. H.V.Tungar

APP for Respondent Nos.1 and 2: Mr. P.K. Lakhotiya

Advocate for Respondent No.3 : Mr. Dhananjay S. Patil h/f Mr. N.B. Khandare

.....

CORAM : SHIVKUMAR DIGE, J.
DATED : 26th SEPTEMBER, 2024.

PER COURT :-

1. The applicants apprehend arrest in connection with crime No. 209 of 2024 registered with Talwada Police Station, district Beed, for the offences punishable under Sections 143, 147, 149, 452, 354, 354-A, 327, 324, 323, 504, 506 of I.P.C. and under Sections 8 and 12 of Protection of Children from Sexual Offences Act, 2012.

2. It is prosecution's case that on 16.6.2024 at 6.00 p.m. when the informant and her husband returned home, at that time, her 11 years daughter came to her, she was crying. She informed that when she was playing near lime tree, applicant No.1 removed her nicker

and touched her private part. Therefore, informant went to the house of applicant No.1 and confronted him about said act. On that count, applicant No.2 assaulted the informant. It is alleged that co-accused 3 to 5 assaulted the husband of the informant by sticks. Applicant No.1 and accused No.4 abused the informant and her husband and threatened to kill them. In the said scuffle, the informant and her husband fell down. By hearing the shouts, the villagers came at the spot of incident to rescue the informant and her husband. The applicant No.2 has taken amount of Rs.50000/- kept in the house of the informant.

3. It is contention of the learned counsel for the applicants that the applicants have been falsely implicated in this case. The applicants have lodged complaint against the informant and to counter it the present crime is registered. The matter is settled between the applicants and the informant. They are neighbourers. The informant has given statement to the police stating that due to misunderstanding, she has lodged the complaint against the applicants. Hence, requested to allow the application.

4. It is contention of the learned APP that applicant No.1 has outraged the modesty of minor girl of the informant and thereafter the applicants and other accused persons assaulted on the informant

and her husband. It shows the involvement of the applicants in the crime. Considering the allegations against the applicants, their custodial interrogation is required and requested to reject the application.

5. Learned counsel for respondent No.3 submits that the matter is settled between the informant and the applicants. The informant has no objection to allow this application.

6. I have heard all learned counsel. Perused the F.I.R. and the police papers produced on record. The supplementary statement given by the informant shows that due to misunderstanding she has lodged the complaint against the applicants. It shows that no alleged incident was happened. Considering this fact, the custodial interrogation of the applicants is not required and I pass following order :-

ORDER

(i) The application is allowed.

(ii) In the event of arrest of the applicants in connection with crime No. 209 of 2024 registered with Talwada Police Station, district Beed, for the offences punishable under Sections 143, 147, 149, 452, 354, 354-A, 327, 324, 323, 504, 506 of I.P.C., under Sections 8 and 12 of

Protection of Children from Sexual Offences Act, 2012, the applicants be released on executing personal bond in the sum of Rs.20,000/- each with one surety of the like amount by each of them, on the following condition :-

(a) the applicants shall attend the concerned police station as and when required by the Investigating Officer.

7. It is made clear that the observations made in this order are prima facie in nature only for the purpose of deciding this bail application and the trial court shall not get influenced by the same while concluding the trial.

(SHIVKUMAR DIGE, J.)

rlj/